



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.midland-mi.org

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Chapter 8.

The Administrative Service

Sec. 8.1. City manager.

The City Manager shall be the chief administrative officer of the city government and, in conformity with the provisions of this charter, shall succeed to and exercise all the administrative powers possessed by the Mayor and other officers of the city under the provisions of Act No. 215 of the Public Acts of 1895. He shall be selected by the Council on the basis of training and ability alone, without regard to his political or religious preferences and need not be a resident of the city at the time of his appointment but shall become a resident of the city within ninety (90) days after his appointment and shall so remain throughout his tenure of office. The Council shall designate a qualified person to perform the duties of City Manager during a vacancy in the office. No person who holds or has held any elective city office shall be eligible for appointment as City Manager or acting City Manager, nor shall any such person perform the duties of the City Manager during a vacancy in that office, until two (2) years have elapsed following the expiration of the term for which he was elected.

Sec. 8.2. Functions of the city manager.

The functions of the City Manager shall be:

- (a) To see that all laws and ordinances are enforced;
- (b) To manage and supervise all public improvements, works, and undertakings of the city;
- (c) To have charge of the construction, repair, maintenance, lighting, and cleaning of streets, sidewalks, bridges, pavements, sewers, and all public buildings or other property belonging to the city;
- (d) To manage and supervise all city utilities;
- (e) To be responsible for the preservation of property, tools, and appliances of the city;
- (f) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (g) To attend all meetings of the Council, with the right to take part in discussions, but without the right to vote;
- (h) To prepare and administer the annual budget under policies formulated by the Council and keep the Council fully advised at all times as to the financial condition and needs of the city;
- (i) To recommend to the Council for adoption such measures as he may deem necessary or expedient;
- (j) To be responsible to the Council for the efficient administration of all departments of the city government;
- (k) To act as the Purchasing Agent for the city or delegate such duties to some other officer or employee of the city; Provided, that such delegation shall not relieve him of any responsibility for the proper conduct of such duties;
- (l) To prepare an annual report of the city's business and make the same available to the public in such form as will disclose pertinent facts concerning the activities and finances of the city government;
- (m) To conduct all sales of personal property which the Council may authorize to be sold;

- (n) To assume all duties and responsibilities as personnel director of all city employees or delegate such duties to some other officer or employee of the city; Provided, that such delegation shall not relieve him of any responsibility for the proper conduct of such duties;
- (o) To perform such other duties as may be prescribed by this charter or required of him by ordinance or by direction of the Council, or which are not assigned to some other official in conformity with the provisions of this charter.

Sec. 8.3. City clerk.

- (a) The Clerk shall be clerk of the Council. He shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language. He shall keep a record of all ordinances, resolutions, and actions of the Council.
- (b) He shall have power to administer all oaths required by state law, this charter and the ordinances of the city.
- (c) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the City of Midland, the custody of which is not otherwise provided for by this charter. All records of the city shall be public and the Clerk and other officers entrusted with such records shall so maintain and keep the same that they may be available to the public at all reasonable times. He shall give to the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts, or agreements.
- (d) He shall certify by his signature all ordinances and resolutions enacted or passed by the Council and perform any other duties required of him by state or Federal law, this charter, or by the Council and ordinances of the city.
- (e) He shall be the general accountant of the city and shall keep the books of account of the assets, receipts, and expenditures of the city. The system of accounts of the city shall conform to such uniform system as may be required by law.
- (f) He shall examine and audit all accounts and claims against the city. No withdrawal shall be made from the city fund which, after deducting all prior withdrawals therefrom, has not a sufficient amount therein to pay such proposed withdrawal.
- (g) He shall, at least quarterly, and at any time upon direction of the City Manager, examine and audit all books of account kept by any official, board, or department of the city. He shall examine and audit all books of account of the Treasurer and Municipal Court at least once each month.
- (h) He shall balance all the books of account of the city at the end of each calendar month, and shall make a report thereon to the City Manager.
- (i) He shall perform such other duties in connection with his office as may be required of him by state or Federal law, this charter, the resolutions or ordinances of the Council, or by the City Manager.

State law reference(s)--Municipal records to be public, M.S.A., § 5.2073(l); uniform system of accounts to be kept, M.S.A., § 5.2073(n).

Sec. 8.4. City attorney.

- (a) The City Attorney shall act as legal advisor to, and attorney and counsel for, the Council in matters relating to their official duties. He shall give legal opinions concerning the affairs of the City of Midland only to the Council and to the City Manager. All such opinions shall be in writing and a copy thereof shall be filed with the City Clerk.
- (b) He shall conduct for the city all cases in all courts and before all legally constituted tribunals whenever the city is a party thereto.
- (c) He shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the city is concerned, and shall certify before execution as to their legality and correctness of form.

(d) He shall file in the office of the City Clerk the original copy of all franchises granted by the city, of all contracts and agreements entered into by or in behalf of the city, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the city is a party, together with the proper data and information concerning the same.

(e) He shall be charged with the responsibility of calling to the attention of the Council and the City Manager all matters of law and changes or developments therein affecting the city.

(f) He shall perform such other duties as may be prescribed by this charter or by the Council.

(g) Upon the recommendation of the City Attorney, approved by the City Manager, or upon its own motion, the Council may retain special legal counsel to handle any matter to which the city is a party or in which the city has an interest, or to assist and co-counsel with the City Attorney therein.

The remuneration set by the Council for the City Attorney as required in this charter shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council in cases of appeals to, or litigation commenced in, higher courts than the circuit court, work requiring extensive hearings before administrative or quasi-judicial tribunals, and for legal work in connection with the issuance of bonds of the city. No such special compensation shall be given by the Council, except in accordance with an agreement between itself and the City Attorney, made before the service for which such special compensation is to be paid has been rendered.

Sec. 8.5. City treasurer.

(a) The Treasurer shall have the custody of all moneys of the city, the Clerk's bond, and all evidences of value belonging to the city, or held in trust by the city.

(b) He shall receive all moneys belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city and shall in all cases give a receipt therefor.

(c) He shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine. He shall report the same in detail to the Clerk.

(d) He shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law to enforce the collection of state, county, township, and school district taxes upon real and personal property.

(e) He shall perform such other duties as may be prescribed for him by state or Federal law, this charter, or by the City Manager.

Sec. 8.6. Deputy clerk or treasurer.

The Clerk and the Treasurer may appoint their own deputies, subject to the written confirmation of the City Manager and the provisions of any ordinance passed under the authority of Section 8.9 of this charter. The Clerk and the Treasurer may terminate the status of their respective deputies at pleasure, upon written notice to the City Manager. Each deputy shall possess all the powers and authorities of his superior officer except as the same may be from time to time limited by his superior or by the City Manager.

Sec. 8.7. Assessor.

(a) The Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by the general laws of the state.

(b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by this charter and the general laws of the state.

(c) He shall perform such other duties as may be prescribed for him by state law, this charter, or by the City Manager.

Sec. 8.8. Other administrative officers.

The duties of all administrative officers, not otherwise provided for herein, shall be those established by law or ordinance for such officers or prescribed by the City Manager.

Sec. 8.9. Merit system of personnel management.

The Council shall, within one (1) year after the date that the first Council elected under this charter shall assume office, provide by ordinance for a merit system of personnel management for the city. Such ordinance shall provide a professional and impartial approach to municipal personnel problems based solely upon the fitness, training, and experience of the individual with no discrimination on account of political or religious opinion. It is the intent of this section to secure the establishment of a merit system program as an integral part of the administrative service, to the end that the handling of the personnel activities will be done in a manner equitable to the employee, satisfying for the administrative officials to use, and by increased efficiency and improved administration, economical to the citizens.

Sec. 8.10. Pension plan.

The Council shall, on or before January 1, 1947, present to the people of the city at any regular or special election, an ordinance, which, if approved by a majority of those voting thereon, will make available to the regular administrative officers, and employees of the city and its departments or boards, a sound pension and retirement plan. Participation by the city, either before or after the adoption of such pension ordinance, in any state-wide pension plan for municipal employees, which is established by state law, shall constitute compliance with the provisions of this section.

Sec. 8.11. Employee welfare benefits.

The Council shall have power to make available to the administrative officers and employees of the city and its departments and boards, any recognized standard plan of group life, hospital, health, or accident insurance, either independently of, or as a supplement to, any pension plan provided by the city for its employees.